

**THE EFFECTIVE DATE OF THIS ORDINANCE IS JULY 1, 2006**

**ORDINANCE NO. 06-10-406**

**RE: FREDERICK COUNTY HEALTH DEPARTMENT PROCUREMENT  
AUTHORIZATION**

**PREAMBLE**

State law provides that if authorized by the Board of County Commissioners ("Board"), the Frederick County Health Department may use either the State procurement system or the Frederick County Government procurement system. Annotated Code of Maryland, State Finance and Procurement Article, Section 12-109. The Board has previously authorized the Frederick County Health Department to use the Frederick County Government procurement system. Frederick County Code, Section 1-2-34. Accordingly, the Frederick County Health Department has been using the Frederick County Government procurement system for its procurement requirements.

The Code of Maryland Regulations ("COMAR") promulgated by the Maryland Department of Health and Mental Hygiene further defines the permissible procurement activities of a local health department. COMAR Title 10, Department of Health and Mental Hygiene, Section 04.01.08 COMAR 10.04.01.08C, Procurement, provides:

"Local health department procurement actions are governed by the individual local health department procurement policy. The local health department procurement action authority may either be to:

- (1) Conduct procurement actions through the local jurisdiction procurement process;
- (2) Conduct procurement in-house by specific written delegated purchasing authority from appropriate county government; or
- (3) Conduct all procurement following the State Procurement Regulations as delineated in COMAR, Title 21."

The Board now desires to amend Frederick County Code, Section 1-2-34 to permit the Frederick County Health Department to conduct its procurement activities under any of the three options set forth in COMAR 10.04.01.08, including but not limited to in-house procurement efforts.

A duly advertised public hearing on this proposed Ordinance amending Section 1-2-34 of the Frederick County Code was held by the Board on May 1, 2006. The public had an opportunity to comment on the proposed Ordinance at this public hearing.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Section 1-2-34 of the Frederick County Code is hereby amended to read as follows:

Section 1-2-34. HEALTH DEPARTMENT PURCHASES.

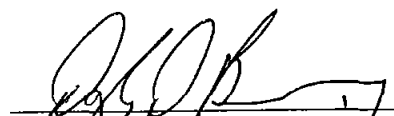
The Frederick County Health Department is authorized to [use the Frederick County Procurement System] FULFILL ITS PROCUREMENT REQUIREMENTS BY:

- (1) CONDUCTING PROCUREMENT ACTIONS THROUGH THE FREDERICK COUNTY GOVERNMENT PROCUREMENT PROCESS;
- (2) CONDUCTING PROCUREMENT IN-HOUSE AS AUTHORIZED IN WRITING BY THE FREDERICK COUNTY GOVERNMENT FINANCE DIVISION DIRECTOR; OR
- (3) CONDUCTING ALL PROCUREMENT FOLLOWING THE STATE PROCUREMENT REGULATIONS AS DELINEATED IN COMAR, TITLE 21.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on July 1, 2006 or after a copy of the Ordinance has been filed with the Clerk of Court and a fair summary of the Ordinance has been published in at least one newspaper of general circulation, pursuant to Sec. 4(b) of Art. 25 of the Maryland Annotated Code, whichever last occurs.

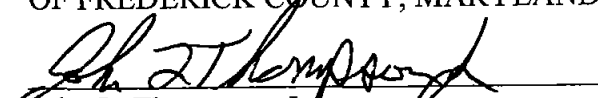
The undersigned hereby certifies that this Ordinance was approved and adopted by the Board of County Commissioners on the 11th day of May 2006.

ATTEST:

  
Douglas D. Browning  
County Manager

*R.J.M.*  
5-11-06

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

  
John L. Thompson, Jr.  
President

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CAPITALS WITH UNDERLINING INDICATE ENTIRELY NEW MATTER ADDED TO EXISTING ORDINANCE; BRACKETS INDICATE DELETIONS TO EXISTING ORDINANCE